

REMARKS

The Examiner's Action mailed on December 18, 2006 has been received and its contents carefully considered.

In this Amendment, Applicants have amended claims 1, 10, 12, 15 and 17-18. Claims 1 and 10 are the independent claims. Claims 1-22 remain pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

Claims 1-2 and 6-9 have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Kim et al.* (EP 0977414). Claim 1 has been amended. It is submitted that amended claim 1 is patentable over the cited reference for at least the following reasons.

It is well settled that a reference may anticipate a claim within the purview of 35 USC §102 only if all the features and all the relationships recited in the claim are taught by the reference either by clear disclosure or under the principle of inherency.

Applicant's amended independent claim 1 recites a portable electronic communication device comprising: a base having a front surface, a cover, and a receiver. The cover is mounted to the base so that the cover can be folded upon, unfolded from, and turned around the base. The cover has a compartment, a front surface, and a rear surface. The front surface and the rear surface of the cover have a plurality of first apertures and a plurality of second apertures

respectively. The compartment communicates with an outside of the cover through the first apertures and the second apertures. The receiver is deposited in the compartment between the first apertures and the second apertures. Sound generated by the receiver is transmitted through the second apertures when the cover is folded upon the base so that **the front surface of the cover rests against the front surface of the base**. Sound generated by the receiver is transmitted through the first apertures when the cover is **turned around and then folded** upon the base so that **the rear surface of the cover rests against the front surface of the base**.

In contrast, *Kim et al.* disclose a foldable mobile telephone terminal including a body 100, a flip 102, a hinge device 112, a first speaker 118 and a second speaker 124. The first speaker 118 and the second speaker 124 are respectively installed at the front and rear sides of the flip 120, with a partition 128 intervening therebetween. The user can talk using microphone 126 and the first speaker 118 in the situation where the flip 102 is closed, and talk using the microphone 126 and the second speaker 124 in the situation where the flip 102 is opened (Paragraph [0017]; and FIGS. 1-3).

However, *Kim et al.* fail to disclose (or even to suggest) that sound generated by a receiver is transmitted through the second apertures when the cover is **folded** upon the base so that **the front surface of the cover rests**

against the front surface of the base, and that sound generated by the receiver is transmitted through the first apertures when the cover is **turned around** and then **folded** upon the base so that **the rear surface of the cover rests against the front surface of the base**, as recited in claim 1.

First, Applicants' invention specifies that the cover can be **folded in two ways**, one of which is that the front surface of the cover rests against the front surface of the base and the other of which is that the rear surface of the cover rests against the front surface of the base. Instead, as is clear from FIGS. 1-2 of *Kim et al.*, **only** the rear side of the flip 102 can rest against the body 100 in the situation where the flip 102 is closed. When the flip 102 is opened, both surfaces of the flip are positioned away from the base, as shown in Figure 2.

Second, Applicants' invention specifies that sound generated by the **identical** receiver can be transmitted through the second apertures and can be transmitted through the first apertures. Instead, as is apparent from FIG. 3 of *Kim et al.*, the second speaker 124 upon which the Examiner relies transmits sound **only** through the rear side but not through the front side of the flip 102, and the first speaker 118 upon which the Examiner **alternatively** relies transmits sound **only** through the front side but not through the rear side of the flip 102.

As such, it is submitted that Applicants' independent claim 1, as well as the claims 2 and 6-9 dependent therefrom, are not anticipated by (or rendered obvious by) the cited reference. It is therefore submitted that this rejection should be withdrawn.

Claim 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over *Kim et al.* in view of *Hwang* (US Patent No. 7103393). However, the secondary reference by *Hwang* fail to overcome the deficiencies of *Kim et al.* as applied to claim 1 above. Therefore, it is submitted that claim 3 is patentable over the cited references for at least the reasons advanced above as to the patentability of amended independent claim 1. Therefore, the rejection should be withdrawn.

Claims 4-5, 10-11, 13-14 and 19-21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Kim et al.* in view of *Tyneski et al.* (US Patent No. 5584054). However, *Tyneski et al.* fail to overcome the above deficiencies of *Kim*. Therefore, it is submitted that claims 4-5 are patentable over the cited references for at least the reasons advanced above as to the patentability of amended independent claim 1.

Further, independent claim 10 includes limitations similar to those of claim 1. It therefore is submitted that independent claim 10, as well as its dependent

claims 11, 13-14 and 19-21, are patentable over the applied references for at least the same reasons that the independent claim 1 is patentable. As such, the rejection should be withdrawn.

Claims 12 and 15-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Kim et al.* in view of *Tyneski et al.* and further in view of *Hwang*. However, neither *Tyneski et al.* nor *Hwang* overcomes the above deficiencies of *Kim*. Therefore, it is submitted that claims 12 and 15-18 are patentable over the cited references for at least the reasons advanced above as to the patentability of amended independent claim 10. As such, the rejection should be withdrawn.

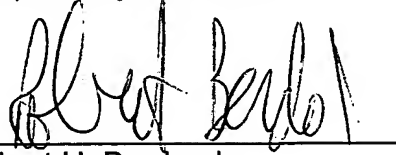
Claim 22 has been rejected under 35 U.S.C. 103(a) as being unpatentable over *Kim et al.* in view of *Tyneski et al.* and further in view of *Hageltorn et al.* (US Patent No. 6006117). However, neither *Tyneski et al.* nor *Hageltorn et al.* overcomes the above deficiencies of *Kim et al.* Therefore, it is submitted that claim 22 is patentable over the cited references for at least the reasons advanced above as to the patentability of amended independent claim 10. Therefore, the rejection should be withdrawn.

Based on the above, it is submitted that the application is in condition for allowance and such a Notice, with allowed claims 1-22 earnestly is solicited. If the Examiner believes that a conference would be of value in expediting the

prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Should any fee be required, the Director is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and please advise us accordingly.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert H. Berdo, Jr.", written over a horizontal line.

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